

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LOUIS ALFONSE OLONA,

Plaintiff,

vs.

NDCS, WARDEN MAHR, SCOTT
FRAKES, and AARON BLIVEN,

Defendants.

8:20CV171

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's motion ([filing 9](#)) seeking the appointment of counsel. The court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel." Trial courts have "broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff's ability to investigate the facts and present his claim." *Id.* Having considered these factors, the request for the appointment of counsel will be denied without prejudice to reassertion.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Appoint Counsel ([filing 9](#)) is denied without prejudice to reassertion.
2. Plaintiff is advised that his payment of his initial partial filing fee of \$0.06 is due by June 19, 2020 unless the court extends the time in which he has to pay in response to a written motion.

Dated this 12th day of June, 2020.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive, flowing style.

Richard G. Kopf
Senior United States District Judge